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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,138	07/07/2003	Tom Evslin	449/116	9019

27538 7590 01/29/2008  
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EXAMINER
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DOAN, KIET M

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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01/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/614,138	EVSLIN, TOM	
	Examiner Kiet Doan	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 26 October 2007.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 18-21, 26, 27 and 66-71 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 18-21, 26-27, 66-7 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirkola et al. (US 6,611,516 B1) in view of Shaffer et al. (US 6,549,534 B1).

Consider claim 18. Pirkola teaches a device for use in a cellular network comprising an adapter adapted to connect to or integrate with a wireless cell phone for completing an incoming call via the cellular network if the cell phone is not roaming and means for forwarding the incoming call to a packet switched data network if the cell phone is roaming to an area covered by an IP network (Abstract, C4, L10-34, C7, L10-34, Fig.2, Illustrate gateway function 210 as read on a device wherein provides wireless cell phone completed call if in roaming in either PSTN or MIPTN/(IP network). Pirkola

teaches the limitation of claims as discuss **but silent on** wherein said adapter operates to change a protocol utilized by said roaming cellular telephone from that of a cellular telephone to that of a data networking device.

In an analogous art, Shaffer teaches "Apparatus and method for accessing wireless trunks on a communication network". Further, Shaffer teaches wherein said adapter operates to change a protocol utilized by said roaming cellular telephone from that of a cellular telephone to that of a data networking device (Abstract, C1, L49-61, C3, L50-67, C4, L1-15 teach adapter 40 that operates to change/convert between network signaling).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Pirkola and Shaffer system, such that an adapter adapted to connect to or integrate with a wireless cell phone for completing an incoming call when device roam or not roaming and the adapter change a protocol utilized base on location of device to provide means for the convenient and flexibility of the users can operate mobile device in different network system when roaming.

Consider **claims 19, 21**. Pirkola teaches the device of claim 18 wherein the packet switched data network is the Internet (C6, L29-67, C7, 60-67, C8, L1-10, Fig.2, Illustrate and described).

Consider **claim 20**. Pirkola teaches the device of claim 18 further including a switch/server to receive signals indicating whether the cell phone is roaming (C7, L20-34, Fig.2. Illustrate Gateway Function 210 indicating whether the cell phone is roaming).

Consider **claim 22**. Pirkola teaches the device of claim 20 wherein the signals are received using out of band signaling (C7, L20-34, 60-67, C8, L1-10, Fig.2, Illustrate Gateway Function 210 indicated subscriber roaming out of band).

4. Claims 26-27, 69-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumeister et al. (Patent No. 6,914,972) in view of Iijima (US 5,349,649).

Consider **claims 26, 69**. Baumeister teaches an adapter comprising an IP interface having an IP address, a telephone interface for integration with a phone having a telephone number, and software for forwarding incoming data from an IP network to said telephone by converting said incoming IP signals to telephony signals such that said telephone receives an incoming telephone call (Abstract, C3, L6-17, L30-57, Fig.1, Illustrate internet telephone adapter ITA which read on adapter wherein contain base unit that have software for forwarding incoming data from an IP network to said telephone). Baumeister teaches the limitation of claims as discuss but silent on wherein said adapter selects said IP network based upon user priorities and/or rule.

In an analogous art, Iijima teaches "Portable electronic device supporting multi-protocols". Further, Iijima teaches wherein said adapter selects said IP network based

upon user priorities and/or rule (Abstract, C1, L50-62 teach the mobile device selecting different protocol on the basic priority order).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Baumeister and Iijima system, such that adapter comprising an IP interface having an IP address, forwarding incoming data from an IP network to said telephone by and converting said incoming IP signals to telephony signals and adapter selects said IP network based upon user priorities to provide means for the users can operate mobile device in different network system without delay or interruption..

Consider **claim 27**. Baumeister teaches the adaptor of claim 26 wherein said adapter is integrated within said telephone (C3, L7-17, Fig.1, Illustrate and described).

Consider **claim 70**. Baumeister teaches the adapter of claim 69 further comprising an additional protocol translator for translating between a protocol utilized by a cellular network and a protocol utilized by an IP network (C3, L10-17, Fig.1, teach SP 2 as read on translating that set up link between a protocol utilized by a cellular network and a protocol utilized by an IP network).

Consider **claim 71**. Baumeister teaches the adapter of claim 70 further comprising software for automatically selecting between plural network interfaces (C7, L60-67).

5. Claims 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (US 6,549,534 B1).

Consider **claim 66**. Shaffer an adapter for a wireless device comprising a Personal Computer (PC), said PC being connected to a data network and being arranged to receive voice and data over said data network, and to distinguish between the two, said PC also including software and hardware to, upon recognition that arriving information is associated with voice, forward said arriving information over a wireless connection to a handheld wireless device (Abstract, C3, C4, I1-38, Fig.1) illustrate the ITA “internet telephone adapter” as read on computer wherein connected to service provider SP that arranged to connect voice “PSTN” and data “internet” over said data network and forwarding information over a wireless connection to a handheld wireless device “TE”).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Baumeister system to provide means for the users mobile device flexibility can operated in different network system.

Consider **claims 67, 68**. Baumeister teaches the adaptor of claim 26 wherein said adapter is integrated within said telephone (C3, L7-17, Fig.1, Illustrate and described).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kiet Doan  
Patent Examiner

JEAN GELIN  
PRIMARY EXAMINER

